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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,007	01/25/2001	Shinji Aoki	4041J-000360	5201
27572	7590	02/19/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			FORD, JOHN K	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

3753

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,007

Applicant(s)

Aoki et al.

Examiner

FORD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/2/03
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 and 37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2

- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Applicant's response of October 2, 2003 has been studied carefully. Claims 30-36 have been cancelled. Claims 1-29 and 37 are pending. Claims 28 and 29 remain non-elected. Thus, claims 1-27 and 37 are examined here. The elected species is that of Figures 1-10b (the first species).

In the response of October 2, 2003 counsel amends claim 15 and argues that it is not a different species of control from that claimed in claim 1. On page 14 of the response counsel argues that claim 1 (unamended) calculates the space target air temperature TAO based on "thermal load" and the "seat control value". This is incorrect. As disclosed on page 20, line 11 of the specification TAO is a function of variables Tset, Tr, Tam and Ts as well as constants. TAO is not a function of the seat control value.

Claim 15 (now amended) claims that some sort of "estimating" is done, which appears to be semantically supported by page 22, lines 16-20 of the specification. What is disclosed at page 22, lines 16-20 is decidedly and materially different from what is disclosed on page 22, lines 8-16, counsel's assertions to the contrary notwithstanding. In the latter (page 22, lines 8-16) there is no "estimating" is performed whereas in the former (page 22, lines 16-20) "estimating" is done, but it is not clear how this "estimating" is done. With regard to claim 15, there may be an enablement problem, however it is not explored here for the reasons articulated below. The examiner does not agree with applicant in regard to claims 1 and 15 being the same species of control scheme. Claims 1 and 15 claim two distinctly different control schemes and pursuant to

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applicant's instructions at the bottom of page 14 of the October 2, 2003 response, proceeds with claims 1-14.

Claims 1-14 are allowed.


This application is in condition for allowance except for the following formal matters:

Cancellation of non-elected claims 15-19 and 37.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John K. Ford
Primary Examiner

Ford/DI

February 5, 2004